

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RICHARD B. FISCHER,

Plaintiff,

vs.

J. SAM STEWARD,

et al.,

Defendants.

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Case No. 4:07CV01798 ERW

**MEMORANDUM AND ORDER**

This matter comes before the Court on Defendant's Request for Mental Examination of Plaintiff [doc. #47]. A hearing was held on December 2, 2008, and the Court heard arguments from the Parties on this Motion. The Court finds that a mental examination of Plaintiff is appropriate under Fed. R. Civ. P. 35(a) because Plaintiff's mental condition is in controversy and there is good cause for this examination. This examination shall be conducted in two sessions by Dr. Elizabeth Pribor.<sup>1</sup> Plaintiff may tape record these sessions. If Plaintiff tape records these sessions, a copy of the tape must be produced to Mr. Krehbiel. Additionally, if Plaintiff prepares a transcription of the tape recording, a copy of the transcription shall also be given to Mr. Krehbiel.

Plaintiff asked the Court for a protective order, and the Court finds that a limited protective order is necessary. The Parties have seven days to submit a proposed protective order to the Court.

Accordingly,


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<sup>1</sup> At the first session, Dr. Pribor will administer the MMPI and MCMI. At the second session, Defendants Dr. Pribor will interview and evaluate Plaintiff.

**IT IS HEREBY ORDERED** that Defendant's Request for Mental Examination of Plaintiff [doc. #47] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Parties shall submit a proposed protective order within seven days.

Dated this 2nd Day of December, 2008.

  
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E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE